THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.12772 of 2007

Date: 19.06.2007

Between:

Y.Chandrasekhar Reddy

....Petitioner

and

The Regional Transport Authority and another.

....Respondents

O R D E R:

Petitioner is the owner of a vehicle bearing No.AP 03 V 4476. It was seized by the Motor Vehicle Inspector on 08.08.2006 through a check report. The petitioner filed W.P.No.27381 of 2006 challenging the seizure. The writ petition was disposed of on 02.01.2007, directing that the vehicle of the petitioner shall be released on deposit of a sum of Rs.10,000/- and the regular tax due, if any.

The petitioner states that in pursuance of the orders of this Court, he deposited a sum of Rs.11,340/- towards tax dues and a sum of Rs.10,000/-. His grievance is that in spite of the said deposit, the vehicle was not released to him. He makes a reference to the notice got issued by him and a reply by the Deputy Transport Commissioner, Chittoor, dated 27.01.2007.

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport.

Aggrieved by the seizure of the vehicle, the petitioner approached this Court by filing W.P.No.27381 of 2006. The vehicle of the petitioner was directed to be released on condition that he pays the regular tax and a further sum of Rs.10,000/-. Both the conditions were complied with by the petitioner. When the vehicle was not released, he submitted representation and got issued notice on 22.01.2007 and 18.01.2007. On receipt of the same, the Deputy Transport Commissioner replied through letter, dated 27.012007, stating that an order of final demand was passed

against the petitioner on 08.01.2007 for a sum of Rs.11,340 towards tax and penalty at Rs.22,680/-, total comes to Rs.34,020/-. The vehicle appears to have been withheld on account of non-payment of the penalty portion.

This Court cannot decide the liability of the petitioner to pay the penalty. It is for him to work out his remedies before the appropriate forum. The fact, however, remains that the petitioner has complied with the condition imposed by this Court for releasing of the vehicle. The subsequent development in the form of imposing penalty on the petitioner cannot defeat his right that accrued to him by virtue of the orders of this Court in W.P.No.27381 of 2006.

Hence, the writ petition is allowed and the respondents are directed to release the vehicle of the petitioner forthwith. It is directed that it shall be open to the petitioner to pursue the remedy as regards the liability to pay the penalty, within one month from to day before the appropriate authority. In case the petitioner fails to pursue the remedy, it shall be open to the respondents to recover the said amount in accordance with law. There shall be no order as to costs.

_____

19.06.2007
Note: Issue cc tomorrow.
(B/o)
kdl